

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Applicant: Leonard E. Marchese Conf. No. 1815
Serial No.: 09/613,980 Group Art Unit: 2151
Filed : July 11, 2000 Examiner: Khanh Q Dinh
For : ELECTRONIC SPACE AND METHOD FOR
FACILITATING PROBLEM SOLVING

Board of Patent Appeals and Interferences
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

SUBSTITUTE APPEAL BRIEF

Sir:

This is a Substituted Appeal Brief in the Reinstated Appeal by the Applicant from the Rejection dated August 26, 2005 of claims 21, 22, 24-30, 32 and 34-37 of the above-identified application. The appealed claims appear in Appendix A.

The referenced Office Action issued after an Appeal Brief was filed, and the Applicant has elected to request reinstatement of the appeal, pursuant to 37 CFR 1.193(b)(2).

REAL PARTY IN INTEREST

The real party in interest is the inventor, Leonard E. Marchese.

RELATED PROCEEDINGS

There are no related appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

STATUS OF CLAIMS

Claims 1 through 20 were originally in this application. During prosecution claims 1-20 were cancelled and claims 21-38 added. Claims 23, 31, 33, and 38 were later cancelled and claims 21, 32 and 36 amended. Claims 21, 22, 24-30, 32 and 34-37 are pending, rejected, and the subject of this appeal.

STATUS OF AMENDMENTS

No amendments were made subsequent to the Final Rejection which issued on October 7, 2004. The pending claims appear in Appendix A.

SUMMARY OF CLAIMED INVENTION

The invention is directed to a system for organizing and assembling information and resources for interaction with at least one user for facilitating creative problem solving. The claimed subject matter subject to this appeal is contained in the three independent claims as follows:

21. A system for organizing and assembling information and resources for interaction with at least one user for facilitating creative problem solving, the system comprising:

a host/server disposed on a network;

a plurality of devices connectable to the host/server via the network;

means for generating a plurality of user configurable electronic spaces, each electronic space configured for computer based display as a virtual room on display devices of each of the plurality of users, the electronic room spaces supported on the network;

means for each user to configure an individualized room by selecting graphic, textual and application information and resources for display in the individualized room, each configured and displayed as selectable iconic images located in the individualized room;

means for each user to access a respective individualized electronic room and means for actuating the selected iconic images for accessing the graphic, textual and application information and resources within the individualized electronic room space;

an intelligent agent application supported on the host/server for interacting with each user accessing an individualized electronic room;

means for monitoring the intelligent agent and means for engaging a dispatcher for locating resources and tools for the user responsive to the intelligent agent; and

means for storing and displaying the plurality of individualized electronic spaces.

26. An electronic space supported on a network and being accessible by a user, the electronic space comprising:

a computer generated image of a room viewable on a computer display device, the room image containing selected graphical and textual information visually displayed as decorative images or furnishing images within the room image, one or more images being settable as one or more iconic images activatable to access at least one selected resource or software application, each actively accessible selected resource or software application being usable within the room image, wherein a user creates an interactive and individualized computer generated room image furnished with selected decorative images and selected furnishing images, an electronic intelligent agent application integrated with the electronic space and programmed for interaction with at least one user within the individualized electronic room space, and at least one iconic image representing means for engaging a dispatcher for locating resources and tools for the user.

32. A method for use of a computer based data processing system to enhance creating thinking comprising:

providing a computer based data processing system;

using the computer based data processing system to generate an electronic space represented as a computer generated image of a room viewed on a computer display device;

configuring the electronic space to contain activatable links represented as icons within the room, the icons linked to a plurality of data resources, human resources and software applications;

selecting at least one activatable icon and linking to the resource selected by the user; and using the resource within the electronic room space;

providing an intelligent agent application programmed for interaction with the user within the electronic room space;

using the intelligent agent to view and select the activatable links for incorporation in the electronic room space, and

providing access to a dispatcher for locating resources and tools for the user.

SUMMARY FOR CLAIM 21

As to Claim 21, the invention is illustrated in Fig. 1, the system (1) including a host/server (2) disposed on a network (p. 5, l. 15-16) (Claim 21). Storage is provided to save the user configuration on the host/server, though storage on user devices is also contemplated.(p. 5, l. 21-p. 6, l. 3) (Claim 21)

A plurality of devices, such as the personal computer 3 or laptop computer 5 are

connectable to the host/server.(Claim 21) The host/server contains the software that acts as the means for generating a plurality of user configurable electronic spaces (4, 8, 6, 9 and 11) (p. 5, l. 15-p. 6, l.3; p.20, l. 9-11).(Claim 21) A user configured electronic space is configured by the user to look like a room (12) with furnishings and decorations (see Fig. 2) containing a plurality of images that also function as links to various resources and applications. (p. 7, l. 11-19).(Claim 21)

Each user may access the electronic space by means of various electronic devices, such as the PC (3), laptop (5) or a mobile wireless device (7), and then may select specific icon images such as the phone (14) to activate one of a selection of communication links or engage the typewriter icon (15) to use a word processing application (p. 7, l. 13-17)(Claim 21)

The electronic room space, best shown in applicant's Fig. 2, is not a conventional user interface. The room image is configured by the user to contain personalized iconic images representative of the tastes of the user, and which also act as interactive user configured links to selected resources. The links enable the user to interact with selected resources, to gather further resources and to interact with selected individuals, providing a unique workplace conducive to problem solving.

Fig. 3 illustrates the multidimensional interaction available to a user of the applicant's invention. A user configured virtual room has selected "decorations" and "furnishings" that actually link to specific resources so the user can literally work within the "room" on problem solving. Each member of a group working on the same problem has their own room, so each can interact not only with their selected resources but also with each other in a common electronic space or "meeting room". Thus, the electronic space is a dynamic environment for the user, not merely a man-machine interface.

Independent claim 21 also incorporates an intelligent agent application, and means to

engage a dispatcher in locating resources and tools to assist the user. (p. 5, l. 3-7; p.10, l.15-18; p.14, l.20 - p.15, l.5; p. 17, l. 8-12). The user also has a system monitor to oversee and work in concert with the intelligent agent (p. 5, l. 3-7), and which may also function as a dispatcher for locating resources on request, providing tools for creating reports, graphics, letters, presentations, access to an AI based system for morphing solutions, etc. (p.14, l. 20 - p. 15, l.5). The dispatcher may also locate experts or relevant databases, or technical resources, to facilitate the problem solving process. (p.17, l. 8-12). Utilizing the electronic space, including the intelligent agent and dispatcher, a user can increase the speed at which a solution is arrived at, and can develop solutions that would be difficult to arrive at in a standard office setting. (p. 19, l. 20-p. 20, l. 8)

SUMMARY FOR CLAIM 26

As to Claim 26, the invention is illustrated in Figs. 1 and 2, the system (1) including a computer generated image of a room viewable on a computer display device, the room image containing selected graphical and textual information visually displayed as decorative images or furnishing images within the room image, one or more images being settable as one or more iconic images activatable to access at least one selected resource or software application. (p. 7, l. 7-p. 9, l. 21)

The user configured electronic space is configured by the user to look like a room (12) with furnishings and decorations (see Fig. 2) containing a plurality of images that also function as links to various resources and applications. (p. 7, l. 11-19).(Claim 26)

The electronic room space, best shown in applicant's Fig. 2, is not a conventional user interface. The room image is configured by the user to contain personalized iconic images representative of the tastes of the user, and which also act as interactive user configured links

to selected resources. The links enable the user to interact with selected resources, to gather further resources and to interact with selected individuals, providing a unique workplace conducive to problem solving.

Fig. 3 illustrates the multidimensional interaction available to a user of the applicant's invention. A user configured virtual room has selected "decorations" and "furnishings" that actually link to specific resources so the user can literally work within the "room" on problem solving. Each member of a group working on the same problem has their own room, so each can interact not only with their selected resources but also with each other in a common electronic space or "meeting room". Thus, the electronic space is a dynamic environment for the user, not merely a man-machine interface.

Independent claim 26 also incorporates an intelligent agent application, and means to engage a dispatcher in locating resources and tools to assist the user. (p. 5, l. 3-7; p.10, l.15-18; p.14, l.20 - p.15, l.5; p. 17, l. 8-12). The user also has a system monitor to oversee and work in concert with the intelligent agent (p. 5, l. 3-7), and which may also function as a dispatcher for locating resources on request, providing tools for creating reports, graphics, letters, presentations, access to an AI based system for morphing solutions, etc. (p.14, l. 20 - p. 15, l.5). The dispatcher may also locate experts or relevant databases, or technical resources, to facilitate the problem solving process. (p.17, l. 8-12). Utilizing the electronic space, including the intelligent agent and dispatcher, a user can increase the speed at which a solution is arrived at, and can develop solutions that would be difficult to arrive at in a standard office setting. (p. 19, l. 20-p. 20, l. 8)

SUMMARY FOR CLAIM 32

As to Claim 32, the invention is illustrated in Fig. 1, the system (1) including a

host/server (2) disposed on a network (p. 5, l. 15-16) (Claim 32) The host/server contains the software that acts as the means for generating a plurality of user configurable electronic spaces (4, 8, 6, 9 and 11) (p. 5, l. 15-p. 6, l.3; p. 20, l. 9-11).(Claim 32) A user configured electronic space is configured by the user to look like a room (12) with furnishings and decorations (see Fig. 2) containing a plurality of images that also function as links to various resources and applications. (p. 7, l. 11-19).(Claim 32) The user thus has the capability to follow the steps of configuring the electronic space to contain activatable links represented as icons within the room, the icons linked to a plurality of data resources, human resources and software applications. The user also being able to select at least one activatable icon and linking to the resource selected by the user; and then to use the resource within the electronic room space.(p. 6, l.19-p. 76; p. 8, l-8; p. 9, l. 3-21).

Each user may access the electronic space by means of various electronic devices, such as the PC (3), laptop (5) or a mobile wireless device (7), and then may select specific icon images such as the phone (14) to activate one of a selection of communication links or engage the typewriter icon (15) to use a word processing application (p. 7, l. 13-17)(Claim 32)

The electronic room space, best shown in applicant's Fig. 2, is not a conventional user interface. The room image is configured by the user to contain personalized iconic images representative of the tastes of the user, and which also act as interactive user configured links to selected resources. The links enable the user to interact with selected resources, to gather further resources and to interact with selected individuals, providing a unique workplace conducive to problem solving.

Fig. 3 illustrates the multidimensional interaction available to a user of the applicant's invention. A user configured virtual room has selected "decorations" and "furnishings" that actually link to specific resources so the user can literally work within the "room" on problem

solving. Each member of a group working on the same problem has their own room, so each can interact not only with their selected resources but also with each other in a common electronic space or “meeting room”. Thus, the electronic space is a dynamic environment for the user, not merely a man-machine interface.

Independent claim 32 also incorporates an intelligent agent application, and means to engage a dispatcher in locating resources and tools to assist the user. (p. 5, l. 3-7; p.10, l.15-18; p.14, l.20 - p.15, l.5; p. 17, l. 8-12). The user also has a system monitor to oversee and work in concert with the intelligent agent (p. 5, l. 3-7), and which may also function as a dispatcher for locating resources on request, providing tools for creating reports, graphics, letters, presentations, access to an AI based system for morphing solutions, etc. (p.14, l. 20 - p. 15, l.5). The dispatcher may also locate experts or relevant databases, or technical resources, to facilitate the problem solving process. (p.17, l. 8-12). Utilizing the electronic space, including the intelligent agent and dispatcher, a user can increase the speed at which a solution is arrived at, and can develop solutions that would be difficult to arrive at in a standard office setting. (p. 19, l. 20-p. 20, l. 8)

ISSUES

1. WHETHER CLAIMS 21, 22, 24-30, 32 and 34-37 ARE ANTICIPATED BY KIRK, U.S. PATENT NO. 6,175,842.

GROUPING OF CLAIMS

The applicant believes the pending claims constitute a single group, illustrated in independent claims 21, 26 and 32. All the claims are believed to stand or fall together.

ARGUMENT

Under 35 U.S.C. §102, anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. W.L. Gore & Assocs., Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). All the limitations in the claims must be found in the reference, since the claims measure the invention. In re Lange, 644 F.2d 856, 862, 209 USPQ 288, 293 (CCPA 1981). Further the reference must describe the applicants' claimed invention sufficiently to have placed a person of ordinary skill in the art in possession of the invention. In re Spada, 911 F.2d 705, 15 USPQ 2d 1655 (Fed. Cir. 1990). The Federal Circuit has stated that "even if the claimed invention is disclosed in a printed publication, that disclosure will not suffice as prior art if it is not enabling." In re Donohue, 766 F.2d 531, 533 (Fed. Cir. 1985) (citing In re Borst, 345 F.2d 851, 855 (C.C.P.A. 1965), cert.denied, 382 U.S. 973 (1966), Seymour v. Osborne, 789 U.S. (11 Wall.) 516, 555 (1870) (publication constitutes anticipation only if it enables on skilled in the art "to understand the nature and operation of the invention, and to carry it into practical use").

Figure 4a

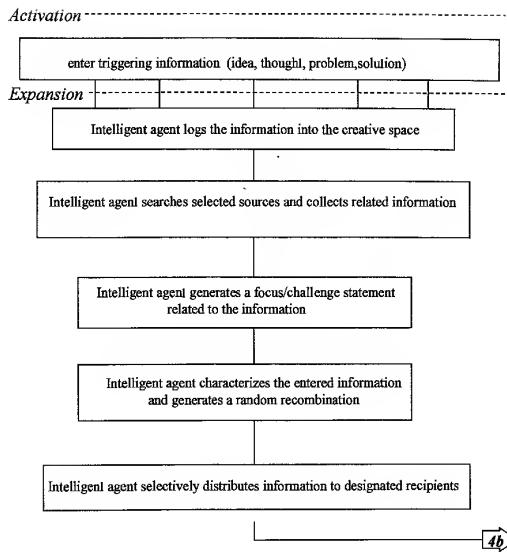
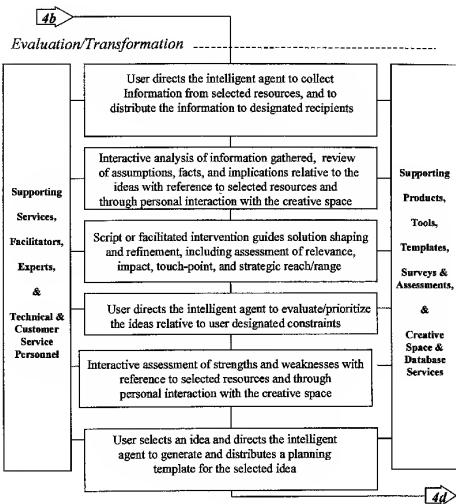


Figure 4c



Each of the independent claims

requires an electronic space which includes 1) an electronic intelligent agent application integrated with the electronic space and programmed for interaction with at least one user within the individualized electronic room space, and 2) at least one iconic image representing means for engaging a dispatcher for locating resources and tools for the user.

Quite simply, nowhere in Kirk is

such an intelligent agent included, nor is a dispatcher icon available for locating and facilitating the exchange of information with, for example, an expert in a particular field.

II. KIRK DOES NOT ANTICIPATE THE INVENTION

The rejection over Kirk is totally unsupported. Kirk relates to a virtual 3D browser.

“The system...allows the presentation of 3-D information to the user and allows the user to

interact with the information, as if the user were ‘in’ the environment. This enables a new and complimentary set of user experiences over the network compared to that of conventional browsing.” (Col. 2, l. 54-59) A “chat room” environment can be included for social interaction, and rooms hyperlinked to mimic hypertext browsing behavior. (Col. 3, l. 55-60).

Kirk relates to a system for enhanced internet browsing. While various interactions are discussed, these mimic conventional browsing, but done within a virtual environment.

Each independent claim requires the presence of an integrated intelligent agent which interacts with the user and assists in problem solving. The system and method also provide for a dispatcher to locate resources that the user believes may assist in the problem solving process, whether that be technical information, application software or an expert in the field.

The claimed virtual workspace enables a person to “work” in the virtual environment in a very efficient way, not only interacting with the intelligent agent and specific resources, but with coworkers as well. Figures 4a-d illustrate the value of the interchange with the intelligent agent. Project teams can be assembled to work together in a virtual environment, each member having their particular user configured resources available in their virtual rooms for ready access, including use of the intelligent agent and dispatcher.

The examiner alleges these limitations are met by Kirk, i.e. “an intelligent agent application (using co-space client software) supported on the host/server for interacting with each user...”. However, the citation to Kirk only supports indirect interaction, where a client A executes the cospace client software which interfaces with the cospace server, receives VR room description data and displays the 3-D environment to the user. This does not satisfy the claim limitations.

The co-space server is configured as “a receiver, a virtual three dimensional room builder, and a sender.” Col. 6, l.47-50. In other words, it runs in the background:

The cospace server 409 tracks the state of each client, including which

hypertext files they have requested, which hypertext file the browser on that client is currently displaying, and which 3-D VR rooms and portals currently being displayed on the client. The cospace server uses this information to send the newly constructed 3-D VR room description to all clients that will need to add the room to their 3-D VR environment. All clients for whom the new room or portals will be visible will need to render the new three dimensional room description on their client's display. (Col. 6. 1. 63-col. 7, 1. 5)

The co-server is used to set up a VR room and coordinate the VR rooms for multiuser use through interaction with the clients, not the users. The co-server, similar to other servers, operates in the background. It does not interact with the user. The cospace server software is not an intelligent agent as claimed, and has no means for engaging a dispatcher for locating resources and tools for the user. It merely supports a multiuser virtual environment.

Nowhere is there any disclosure that the cospace software or cospace server comprise an intelligent agent or dispatcher to facilitate problem solving and so the claimed invention is not anticipated by Kirk.

CONCLUSION

To establish anticipation, each and every element of the claimed invention must be found in a single prior art reference W.L. Gore & Assoc. Inc. v. Garlock, Inc., 220 USPQ 303 (Fed. Cir. 1983). All the limitations must be found in the reference, since the claims measure the invention. In re Lange, 209 USPQ 288, 293 (CCPA 1981). The absence of specific claim limitations from Kirk establishes beyond doubt that claims 21, 22, 24-30, 32 and 34-37 are not anticipated and reversal of the rejection is respectfully requested.

Dated: December 2, 2009

Respectfully submitted,

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APPENDIX A **CLAIMS ON APPEAL**

21. A system for organizing and assembling information and resources for interaction with at least one user for facilitating creative problem solving, the system comprising:

- a host/server disposed on a network;
- a plurality of devices connectable to the host/server via the network;
- means for generating a plurality of user configurable electronic spaces, each electronic space configured for computer based display as a virtual room on display devices of each of the plurality of users, the electronic room spaces supported on the network;
- means for each user to configure an individualized room by selecting graphic, textual and application information and resources for display in the individualized room, each configured and displayed as selectable iconic images located in the individualized room;
- means for each user to access a respective individualized electronic room and means for actuating the selected iconic images for accessing the graphic, textual and application information and resources within the individualized electronic room space;
- an intelligent agent application supported on the host/server for interacting with each user accessing an individualized electronic room;
- means for monitoring the intelligent agent and means for engaging a dispatcher for locating resources and tools for the user responsive to the intelligent agent; and
- means for storing and displaying the plurality of individualized electronic spaces.

22. The system of claim 21 wherein the host server has processing means, communication means and storage means.

24. The system of claim 21 further comprising means for generating at least one common electronic room configured for computer generated display as a virtual room, and

being accessible by two or more selected users, the common room configured by the selected users, and means for supporting interactive communication between the selected users within the common room, displayed on each selected user's local display device.

25. The system of claim 21 wherein the selected resources are selected from the group consisting of search engines, databases, experts, technical information, work processing applications, spread sheet applications, presentation applications, planning applications, and communication applications.

26. An electronic space supported on a network and being accessible by a user, the electronic space comprising:

a computer generated image of a room viewable on a computer display device, the room image containing selected graphical and textual information visually displayed as decorative images or furnishing images within the room image, one or more images being settable as one or more iconic images activatable to access at least one selected resource or software application, each actively accessible selected resource or software application being usable within the room image, wherein a user creates an interactive and individualized computer generated room image furnished with selected decorative images and selected furnishing images, an electronic intelligent agent application integrated with the electronic space and programmed for interaction with at least one user within the individualized electronic room space, and at least one iconic image representing means for engaging a dispatcher for locating resources and tools for the user.

27. The electronic space of claim 26 further comprising iconic images representing active transport links between a plurality of electronic room spaces, such that a user can move from one electronic room to another electronic room by actuating an associated transport link.

28. The electronic space of claim 27 wherein at least one active transport link image is

selected from the group consisting of a door image, a window image, a painting image and a photograph image.

29. The electronic space of claim 26 further comprising a computer generated image of a common room area simultaneously viewable on a plurality of display devices and being accessible by multiple users, and having means for the multiple users to be visually represented within the common room area for interactive communication therein.

30. The electronic space of claim 26 wherein the electronic space is supported on the network by at least one data processing device having processing means, data storage means, communication means, and means to generate and display the room image.

32. A method for use of a computer based data processing system to enhance creating thinking comprising:

providing a computer based data processing system;
using the computer based data processing system to generate an electronic space represented as a computer generated image of a room viewed on a computer display device;
configuring the electronic space to contain activatable links represented as icons within the room, the icons linked to a plurality of data resources, human resources and software applications;

selecting at least one activatable icon and linking to the resource selected by the user;
and using the resource within the electronic room space;

providing an intelligent agent application programmed for interaction with the user within the electronic room space;

using the intelligent agent to view and select the activatable links for incorporation in the electronic room space, and

providing access to a dispatcher for locating resources and tools for the user.

34. The method of claim 32 further comprising communicating with designated recipients within the electronic room space, each recipient having a computer generated display of the room image on a local display device, the designated recipients interacting within the electronic room space.

35. The method of claim 32 further comprising using the intelligent agent application within the electronic room space to transform a user input and displaying the transformed user input within the electronic room space.

36. The method of claim 32 further comprising using the data processing system to generate a common electronic room space represented as an image of a meeting room on the display device, the common electronic room space simultaneously accessible and configurable by multiple users, each of which has a local display of the common electronic room space, and interacting within the meeting room.

37. The method of claim 32 further comprising using the data processing system to generate user selected iconic representations of activatable links to user selected entertainment resources.

APPENDIX B
EVIDENCE APPENDIX

NONE

APPENDIX C
RELATED PROCEEDINGS APPENDIX

NONE

Electronic Acknowledgement Receipt

EFS ID:	6559472		
Application Number:	09613980		
International Application Number:			
Confirmation Number:	1815		
Title of Invention:	Electronic space and method for providing resources to facilitate ideation		
First Named Inventor/Applicant Name:	Leonard E. Marchese		
Correspondence Address:	William J SaponE, (REG. NO. 32,518) COLEMAN SUDOL SAPONE, P.C. 714 COLORADO AVENUE - BRIDGEPORT, CT 06605-1601 US 2126619700 -		
Filer:	William Sapone		
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Attorney Docket Number:	11590/9-1268		
Receipt Date:	02-DEC-2009		
Filing Date:	11-JUL-2000		
Time Stamp:	16:49:41		
Application Type:	Utility under 35 USC 111(a)		

Payment information:

Submitted with Payment	no
File Listing:	

Document Number	Document Description	File Name	File Size(Bytes)/Message Digest	Multi Part /.zip	Pages (if appl.)
1		9-1268SubBrief.pdf	928920 5c773a8a7dc81fb8578d7c651be56b6c3a 68643	yes	20

Multipart Description/PDF files in .zip description

Document Description	Start	End
Miscellaneous Incoming Letter	1	1
Supplemental Appeal Brief	2	20

Warnings:

Information:

Total Files Size (in bytes):	928920
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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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In re application of

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RESPONSE TO ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

Sir:

In response to the Order mailed November 23, 2009 by the Board in the above referenced matter, the applicant hereby submits a complete Substitute Appeal Brief as requested by the Board, including the corrections previously made in the responses to the three Notices of Non-Compliant Briefs of record, and also including the Evidence Appendix and the Related Proceedings Appendix.

Entry and Docketing of the appeal are hereby requested.

Dated: December 2, 2009

Respectfully submitted,

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